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FLOOR DEBATE

February 7, 2002 LB 752, 756

report attached to LB 756. You will see that there was one opponent. This was an officer from the Omaha Police Department. There is a provision in LB 756, which is the amendment I will be offering, which referred to a complete criminal history. The officer argued, and I accepted it, that there could be parts of one of these informants' criminal history which they did not know. So I inserted the word "known" as a result of a Judiciary Committee amendment. What you see here that I'm offering, is the green copy of LB 756, as amended by the Judiciary Committee. Another provision stricken from LB 756, in the green copy, was a jury instruction with reference to this snitch testimony. Senator Brashear argued, persuasively to me, that it is unnecessary to put into the statute, a jury instruction. I readily saw his point and agreed to have it stricken by the committee amendment. So what you have left is what I would offer in place of what is now LB 752. And I'm going to go through some of that so it is clear precisely what I'm doing. Before going into the specific language, I want to tell you why this bill is here. When I was doing work on a DNA bill, which the body did pass and the Governor signed into law, and it is being implemented, I came across numerous cases involving people placed on death row, who were put there by snitch testimony. Rather than use the term snitch, which everybody understands, I use the term "jailhouse informer" and defined it. But before, again, I get into the actual language of the bill, let me give you additional background. The way these snitches would operate is to get material from newspapers, from television, about a given crime which has not been solved. Or about a crime involving a person who has been arrested. The snitch, if he cannot get put in the cell with this person, will arrange to have been in court or at someplace in the facility with this individual so that the snitch could say, that was the opportunity I had to hear this confession that the accused person has made. In some of the cases where people wound up on death row, the snitch had been fed information by the police or by the prosecutor. These things actually came out while these cases were being reviewed. In some instances it was rejected, the snitch testimony was relied on, a person was convicted and sentenced to die. All of these facts came out subsequently when DNA established that the person charged, convicted, sentenced to die, could not have had anything to do with the crime. Then